

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LYNDON JACKSON,

Plaintiff,

v.

THE BOEING COMPANY,

Defendant.

CASE NO. C21-654 MJP

ORDER DENYING MOTION TO  
APPOINT COUNSEL

This matter comes before the Court on Plaintiff's Second Motion to Appoint Counsel. (Dkt. No. 20.) Having reviewed the Motion, the Complaint, and all supporting materials, the Court DENIES the Motion.

"[T]here is 'no constitutional right to counsel in a civil case.'" Adir Int'l, LLC v. Starr Indem. & Liab. Co., 994 F.3d 1032, 1038–39 (9th Cir. 2021). But under 42 U.S.C. § 2000e-5(f)(1), "[u]pon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security." "Three factors are

1 relevant to the trial court’s determination whether to appoint counsel: (1) the plaintiff’s financial  
2 resources; (2) the efforts made by the plaintiff to secure counsel on his own; and (3) the  
3 meritoriousness of plaintiff’s claim.” Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266,  
4 269 (9th Cir. 1982).

5       Considering the three factors set out in Ivey, the complaint, and the additional  
6 information provided by Plaintiff in his “Statement of Merit,” the Court continues to find  
7 appointment of counsel to be inappropriate. First, as demonstrated by Plaintiff’s ability to pay the  
8 filing fee, it appears Plaintiff has some funds available to retain an attorney. This fact weighs  
9 against appointment of counsel. Second, Plaintiff states that he has reached out to 20 attorneys,  
10 apparently without success. This factor weighs somewhat in favor of appointment of counsel.  
11 Third, after having reviewed the complaint and the record, including the “Statement of Merit,”  
12 the Court is not convinced that Plaintiff’s claims have sufficient merit to warrant appointment of  
13 counsel. While the Court appreciates Plaintiff’s efforts to provide additional detail, Plaintiff  
14 continues to identify failures in management that do not appear to contain allegations of racial  
15 discrimination directed at him. And while Plaintiff alleges that “Boeing clearly has racial issues  
16 internally” that could constitute a hostile work environment, he has not tied those allegations to  
17 any alleged adverse employment actions taken specifically against him. Based on the current  
18 complaint and the additional information submitted, and considering the Ivey factors, the Court  
19 is not convinced that the present action possesses sufficient merit to warrant appointment of  
20 counsel. The Court therefore DENIES the Motion to Appoint Counsel.

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1 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.

2 Dated November 12, 2021.

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4 Marsha J. Pechman  
5 United States Senior District Judge  
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